

REMARKS

Claims 42-53 are pending in the application. By this paper, claims 42-53 have been amended. Reconsideration and allowance of claims 42-53 are respectfully requested.

Prior art rejection

Claims 42-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,267,261 to Blakeney, II et al. ("Blakeney"). Claims 42-53 have been amended to more clearly define the invention defined by these claims. Reconsideration and allowance of claims 42-53 in light of the amendments and arguments herein are respectfully requested.

The invention defined by claims 42-53 includes limitations not shown, described or suggested by Blakeney. In accordance with one of aspect of the invention of claims 42-53, when a call attempt is made to or from a mobile station which is located at a position where the mobile station can communicate using diversity handover, a plurality of branches including a main branch and at least one auxiliary branch are established. The mobile station commences communication using the plurality of branches. Independent claims 42, 47 and 50 – 53 recite different aspects of a system operating in this general manner.

The system of Blakeney does not operate in the manner defined by independent claims 42, 47 and 50 – 53. Blakeney discloses at column 7, line 59 – column 6, line 21:

The base station service areas or cells are designed in geographic shapes such that the mobile station will normally be closest to one base station. When the mobile station is idle, i.e., no calls in progress, the mobile station constantly monitors the pilot signal transmissions from each nearby base station. As illustrated in FIG. 1 the pilot signals are respectively transmitted to mobile station 18 by base stations 12, 14 and 16 respectively upon communication links 20b, 22b and 24b. *The mobile station then determines which cell it is in by comparing pilot signal strength transmitted from these particular base stations.*

In the example illustrated in FIG. 1, mobile station 18 may be considered closest to base station 16. *When mobile station 18 initiates a call, a control message is transmitted to the nearest base station, base station 16.* Base station 16 upon receiving the call request message, signals system controller 10 and transfers the call number. System controller 10 then connects the call through the PSTN to the intended recipient.

Should a call be initiated within the PSTN, controller 10 transmits the call information to all the base stations in the area. The base stations in return transmit a paging message to the intended recipient of mobile station. *When the mobile station hears a page message, it responds with a control message that is transmitted to the nearest base station.* This control message signals the system controller that *this particular base station is in communication with the mobile station.* Controller 10 then routes the call through this base station to the mobile station. (*emphasis added*)

Thus, in the system of Blakeney, when a call attempt is made to or from a mobile station, only a single branch is established between the mobile station and the nearest base station. This is distinct from the present invention defined by independent claims 42, 47 and 50 – 53.

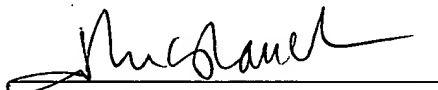
Blakeney further discloses a procedure of diversity handover, for example, beginning at column 18, line 46. The handover is carried out using a plurality of branches. However, the handover is carried out after a branch has been established between the mobile station and the nearest base station and the mobile station has commenced communication. Blakeney fails to disclose that a plurality of branches is established between a network and a mobile station at the time a call attempt is made to or from the mobile station.

Since each of independent claims 42, 47 and 50 – 53 includes limitations nowhere shown, described or suggested by Blakeney, the rejection under 35 U.S.C. § 102(b) of these claims can not be maintained and these claims are in condition for allowance. Claims 43-46 are dependent from claim 42 and claims 48 and 49 are dependent from claim 47 and add further limitations thereto. These dependent claims are allowable for the same reasons. Withdrawal of the 35 U.S.C. § 102(b) rejection of claims 42-53 is respectfully requested.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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